

FILED

APR 07 2020

Clerk, U S District Court
District Of Montana
Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN EDWARD TERRY,

Defendant.

CR 16-127-BLG-SPW

ORDER DENYING MOTION
FOR EARLY TERMINATION
OF SUPERVISION

Mr. Terry has filed a motion for early termination of his supervised release. (Doc. 55.) Mr. Terry contacted the United States regarding his motion, but the United States did not respond. (*Id.* at 2.)

On July 11, 2017, the Court sentenced Mr. Terry for Felon in Possession of a Firearm to 30 months of imprisonment, followed by 36 months of supervised release. (Doc. 36.) Mr. Terry began his term of supervised release on November 29, 2018. (Doc. 55 at 2.) He has now been on supervised release for over 16 months. A review of the docket shows he has had no petitions to revoke his supervised release filed against him.

18 U.S.C. § 3583(e) provides a court may, after considering several factors from § 3553(a) and after the expiration of one year of supervised release, terminate a term of supervised release “if it is satisfied that such action is warranted by the


conduct of the defendant released and the interest of justice.” Most often, courts reserve early termination for defendants who exhibit “exceptionally good behavior” while on release. *United States v. Lussier*, 104 F.3d 32, 36 (2d Cir. 1997) (cited in *United States v. Smith*, 219 Fed. Appx. 666, 668 (9th Cir. 2007) (unpublished)).

After reviewing Mr. Terry’s history while on supervision, the factors under § 3553(a), and pursuant to § 3583(e), the Court finds early termination of Mr. Terry’s supervised release is unwarranted at this time. Mr. Terry is certainly making strides toward improving his life and moving on from his past criminal conduct; the Court commends him for that effort. However, Mr. Terry has served only 16 of 36 months of his supervised release term. The Court finds Mr. Terry’s motion to be premature, but the Court would entertain a second motion in the future if Mr. Terry continues doing well under supervision. Accordingly,

IT IS HEREBY ORDERED that the Mr. Terry’s motion for early termination of supervised release (Doc. 55) is DENIED.

The Clerk shall notify counsel and the U.S. Probation Office of this Order.

DATED this 7th day of April, 2020.


SUSAN P. WATTERS
United States District Judge